

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH D. IRWIN, SR., and REVA	:	CIVIL ACTION
JOAN IRWIN, Individually and as	:	
Administrators of the Estate of	:	
KENNETH D. IRWIN, JR., deceased	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
NATIONAL ASSOCIATION FOR STOCK	:	NO. 02-3335
CAR AUTO RACING, INC., d/b/a	:	
“NASCAR,” SABCO RACING INC.,	:	
and CHIP GANASSI RACING WITH	:	
FELIX SABATES, d/b/a SABCO	:	
RACING, INC.	:	
Defendants.	:	

ORDER

AND NOW, this 2nd day of January, 2003, upon receipt of a letter from counsel for defendants dated January 2, 2003, in which counsel clarified that the case had not been “settled” and that it should be marked “dismissed with prejudice” by agreement of the parties, and this Court noting that its separate Orders of December 19, 2002 - an Order denying Plaintiffs’ Motion to Remand as moot and an Order dismissing the action with prejudice - made reference to a settlement, **IT IS ORDERED** as follows:

1. This Court’s separate Orders of December 19, 2002, denying Plaintiffs’ Motion to Remand as moot and dismissing the action with prejudice by reason of a settlement are **VACATED**;

2. The action is **DISMISSED WITH PREJUDICE** by agreement of the parties, without costs; and,

3. Plaintiffs' Motion to Remand (Document No. 3) is **DENIED AS MOOT** in view of the dismissal of the action with prejudice.

BY THE COURT:

JAN E. DUBOIS, J.